

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOHN W. GERMAINE and
XIAOHONG ZHANG-GERMAINE,

Plaintiff,

v.

HAWKS QUINDEL EHLKE & PERRY, S.C.
and BARBARA ZACK QUINDEL,

Defendants.

ORDER

13-cv-823-bbc

JOHN W. GERMAINE and
XIAOHONG ZHANG GERMAINE,

Plaintiff,

v.

SUSSEK MACHINE CORPORATION
and CHRISTOPHER SUSSEK,

Defendants.

ORDER

13-cv-824-bbc

Both of these cases arose out of allegations about an employment relationship that pro se plaintiffs John Germaine and Xiaohong Zhang-Germaine had with defendants Christopher Sussek and Sussek Machine Corporation. In case no. 13-cv-824-bbc, plaintiffs alleged that defendants had breached an employment contract by terminating plaintiffs without just cause. In case 13-cv-823-bbc, plaintiffs alleged that defendants Hawks,

Quindel, Ehlke & Perry, S.C. and Barbara Zack Quindel had committed malpractice in representing plaintiffs against Sussek in a discrimination case after plaintiffs were terminated.

In orders dated March 19, 2014, I dismissed both cases for lack of subject matter jurisdiction. Plaintiffs were raising state law claims only, but they did not allege that their state citizenship was different from defendants', as required by 28 U.S.C. § 1332.

Now plaintiffs have filed a document that they call "Disappearance of Case 13-C-864 and Case 13-C-866 in the Western District of Wisconsin Motion to Reinstate in Western District of Wisconsin." Plaintiffs seem to believe that they have two cases pending in this district, nos. 13-cv-864 and 13-cv-686, that "have never been adjudicated and lost by the court." It is difficult to follow why plaintiffs believe this, but their theory seems to be that there has been a mix up involving other cases that "the EEOC filed on [their] behalf."

Regardless of the basis for plaintiffs' belief, it is incorrect. Case nos. 13-cv-823-bbc and 13-cv-824-bbc are the only cases plaintiffs have filed in this court since 2010. Case nos. 13-cv-864-bbc and 13-cv-866-bbc were filed by different parties and have nothing to do with the plaintiffs in this case. I am not aware of any cases in this court brought by the Equal Employment Opportunity Commission on behalf of plaintiffs.

Plaintiffs may be confusing the cases they filed in this court with cases that they filed in the Eastern District of Wisconsin. Two cases plaintiffs filed in that court were assigned cases numbers 13-cv-864 and 13-cv-866 and the court dismissed both of those cases for lack of subject matter jurisdiction as well. Germaine v. Hawks Quindel, S.C., No. 13-c-864 (E.D.

Wis. Sept. 12, 2013); Germaine v. Sussek Machine Corporation, No. 13-c-866 (E.D. Wis. Sept. 12, 2013). In any event, I cannot “reinstate” cases that plaintiffs never filed in this court.

ORDER

IT IS ORDERED that the motion filed by plaintiffs John Germaine and Xiaohong Zhang-Gemaine to “reinstate” case nos. “13-C-864” and “13-C-866” is DENIED because plaintiffs did not file those cases in this court.

Entered this 29th day of July, 2014.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge